

COUNTY OF YORK

MEMORANDUM

DATE: April 4, 2005 (PC Mtg. 4/13/05)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. PD-16-05, Villa Development, LLC

ISSUE

This application seeks to amend the York County Zoning Map by reclassifying approximately 15.3 acres located on the north side of George Washington Memorial Highway (Route 17) approximately 1,240 feet north of its intersection with Cook Road (Route 704) from LB (Limited Business) to PD (Planned Development) subject to voluntarily proffered conditions. The property is bounded by Route 17 to the south, Falcon Road (Route 1254) to the west and north, and Cook Road to the east. Pursuant to Section 24.1-361(c)(2) of the York County Zoning Ordinance, the applicant proposes to develop a 76-unit development of age-restricted (62 and older) quadruplex homes in accordance with the "Senior Housing – Independent Living" definition and performance standards of the Zoning Ordinance. The properties, located at 8926, 8934, and 9000 George Washington Memorial Highway and 401 and 409 Cook Road, are further identified as Assessor's Parcel Nos. 24-80-4, 24-80-5, 24-80-6, 24-23, and 24-25. This area is designated for Limited Business development in the *Comprehensive Plan*.

DESCRIPTION

- Property Owners: Villa Development LLC, William A. and Joseph R. Ambrose, Robert C. Shield
- Location: North side of George Washington Memorial Highway (Route 17) approximately 1,240 feet north of its intersection with Cook Road (Route 704)
- Area: 15.3 acres
- Frontage: Approximately 811 feet on Route 17, 780 feet on Cook Road, and 1,009 feet on Falcon Road
- Utilities: Public water and sewer are available.
- Topography: A 60'-wide drainage ditch runs through the middle of the property generally parallel to Route 17 and Cook Road; relatively flat otherwise
- 2015 Land Use Map Designation: Limited Business
- Zoning Classification: LB – Limited Business

- Existing Development: Single-family detached home at 401 Cook Road
- Surrounding Development:
 - North: Single-family detached homes (across Cook Road)
 - East: Two office buildings
 - South: Route 17; St. Joan of Arc Catholic Church beyond
 - West: York High School and York County school bus garage (across Falcon Road)
- Proposed Development: 76-unit age-restricted quadruplex development

CONSIDERATIONS/CONCLUSIONS

1. The applicant is the developer of Rainbrook Villas on Route 17 and the Villas on Shady Banks currently under construction on Route 134, both of which are age-targeted quadruplex developments. The developer proposes to construct a third “Villas” project in the County; however, the proposed Villas at Yorktown would differ from these two Planned Developments in that it is proposed as an age-*restricted* community with each unit occupied by at least one person age 62 or older. As such, it meets the Zoning Ordinance definition of a “Senior Housing–Independent Living Facility” and is a permitted use in the PD (Planned Development) district.
2. The subject property is a 15.3-acre assemblage of five parcels bounded by Route 17, Falcon Road, and Cook Road, of which the applicant currently owns almost 5 acres and has contracts to purchase the remainder. The *Comprehensive Plan* designates this area for Limited Business “to recognize existing [i.e., office] development, to protect adjacent residential development from the potentially adverse impacts of more intense commercial development, and to protect the quality of this gateway into historic Yorktown.” The plan also states, “From York High School to Cook Road, this [Route 17] corridor is designated for Limited Business development. This less intense commercial designation is intended to recognize several existing professional offices along Cook Road, to encourage the continuation of the development character already established by these uses, and to protect the adjacent residential areas from the adverse effects of more intensive commercial development. Similar low-impact commercial uses will provide a smooth transition between the more intense retail uses along the southerly portion of Route 17 and the Park Service property. This segment of Route 17, which is predominantly undeveloped, serves as a gateway into the historic area. Commercial activities should be encouraged to pay extra attention to landscaping and site aesthetics, especially in recognition of the relative proximity of this area to Yorktown.” This application is consistent with the plan’s general guidance that development along Route 17 should be of a lesser intensity north of Cook Road, but the fact that it is a residential project makes it inconsistent with the *Comprehensive Plan’s* Limited Business designation for this area. Furthermore, by allowing residential development on land designated for commercial development, this proposal is not consistent with the plan’s goal of limiting the “maximum build-out population” – the number of people who would be living in the County if all

residential land were developed at its maximum allowable density – to 80,000 residents.

3. Development in the area bounded by Route 17, Cook Road, and Falcon Road is somewhat sparse, consisting of a few offices Other than a single-family detached home located at 401 Cook Road and a shed located in the middle of the woods, both of which will be removed if this application is approved, the subject property is entirely undeveloped and heavily wooded. Nearby development is limited to a few single-tenant office buildings. The vacant 2.2-acre triangular parcel at the intersection of Route 17 and Cook Road (labeled “Future Retail” on the concept plan), which the applicant owns, was rezoned in 1989 to conditional GB (General Business) for a retail/office center that has yet to be built.
4. As noted above, the need to preserve the aesthetic appeal of this portion of Route 17 is clearly set forth in the *Comprehensive Plan*. Accordingly, the segments of Route 17 and Cook Road on which this property fronts – both of which serve as gateways into historic Yorktown – are located within the TCM (Tourist Corridor Management) overlay district. Any development within 250 feet of either road will be subject to special provisions relating to tree preservation, architecture, signage, and colors. The proposed entrance and sign location, however, are not within 250’ of either Route 17 or Cook Road and thus are not subject to the TCM provisions for signage. Ordinarily the Zoning Ordinance would permit the developer to have signs on Falcon Road, Cook Road, and that portion of the Route 17 frontage that is not encumbered by a restrictive access easement that was recorded in 1999 when this property was subdivided. To minimize sign clutter along these two gateways, staff recommends that if approved the development be limited to a single freestanding monument sign on Falcon Road with a maximum area of 24 square feet and a maximum height of 6’ in accordance with the standards for community identification signs in multi-family zoning districts.

To help ensure compatibility of signage in this area, the developer has proffered to contribute up to \$2,500 to each of the existing businesses between the proposed Villas at Yorktown and the triangular parcel at the intersection of Route 17 and Cook Road (which the applicant also owns) for the construction of signage that would be compatible with the proposed signage for the Villas. The applicant also has proffered to contribute up to \$10,000 to the County for the construction of “promotional signage for Historic Yorktown” within VDOT right-of-way (and subject to VDOT approval) at the intersection of Route 17 and Cook Road. All freestanding signs within the TCM overlay district must be monument signs. With regard to architecture, the applicant has proffered that the project’s “architectural features and colors will be coordinated to be compatible with the proposed Yorktown Waterfront plans.”

The applicant has proffered to install a 4’ black metal picket fence around the entire development; along Route 17, Cook Road, and Falcon Road, the fence would include brick columns at approximately 64’ intervals. The applicant has also proffered to install a 6’ asphalt multi-purpose path running all the way from the entrance on Falcon Road to the Falcon Road/Route 17 intersection, then along Route 17 – within

VDOT right-of-way and subject to VDOT approval – to the applicant’s “Future Retail” parcel at the corner of Route 17 and Cook Road. The Route 17 portion of this multi-purpose path would be lighted with fixtures no higher than twenty feet (20’). Staff believes these design amenities will help to ensure an attractive streetscape along these three roads – most importantly, Route 17.

5. Pursuant to Section 24.1-411(e) of the Zoning Ordinance, senior housing developments must be surrounded by a landscaped perimeter buffer of at least fifty feet (50’) in width; however, the applicant’s concept plan does not depict such a buffer. One of the development renderings submitted by the applicant depicts dense vegetation along Route 17, but the concept plan merely shows the required minimum 40’ building setback along Route 17, Falcon Road, and Cook Road and a Type 25 (25’) transitional buffer on the eastern property line between the Villas and the adjacent office buildings. Staff believes tree preservation along Route 17 and Cook Road is critical to preserving the visual appeal of this site and that in this case the minimum planting ratio – one tree per 500 square feet of buffer area (i.e., one tree for every 10 linear feet) is not sufficient. Staff recommends that the equivalent of a fifty-foot (50’) greenbelt buffer – where only limited clearing would be permitted – along Route 17 and Cook Road be required as a condition of approval. There appears to be enough space between the 40’ setback line and the proposed building locations to accommodate these buffers with little or no adjustment of the site layout.

Staff does not believe the 50’ buffer is critical along Falcon Road or along the eastern boundary between the proposed quadruplexes and the adjacent office buildings, but the Zoning Ordinance currently does not provide for any flexibility in the 50’ perimeter buffer requirement. At its March 1 meeting, the Board of Supervisors sponsored a series of Zoning Ordinance “housekeeping” amendments, one of which, if approved, would give the Board the opportunity to approve adjustments in the senior housing performance standards as part of a Planned Development approval. The rationale behind this proposed amendment is that the planned development process is intended to promote design innovation and, to that end, dimensional and design standards are written to allow adjustment by the Board on a case-by-case basis. If the Board approves this amendment, it will have the authority to require something less than a 50’ perimeter buffer. In the event that occurs, staff recommends that the perimeter buffer be reduced to 25’ along Falcon Road and along the eastern property line. The provision of more heavily wooded roadside buffers through preservation of existing vegetation along the TCM corridors is more than an acceptable tradeoff for these reductions in the perimeter buffer in less sensitive locations, in staff’s opinion.

Another senior housing performance standard from which the development as currently designed would require relief is the requirement, set forth in Section 24.1-411(f) of the Zoning Ordinance, that there be a minimum of 25’ of open landscaped space within front, side, and rear yards surrounding each building. As depicted on the plan, many of the building locations do not meet this standard, particularly along the interior road where the applicant’s engineer has followed the standard 20’ front yard building setback for quadruplexes.

6. The Zoning Ordinance performance standards for senior housing require a minimum of 200 square feet of common active/passive outdoor recreation area per unit. Outdoor recreational amenities proffered by the developer include a 1,000-square foot swimming pool (surrounded by a 1,000-square foot “open area”), a putting green and surrounding green space, a 4’ mulch walking trail around the proposed stormwater pond, and a six-foot (6’) wide multi-purpose asphalt path along Falcon Road and Route 17. Staff estimates the combined area of these amenities (excluding the Route 17 multi-purpose path, which would be located not on the applicant’s property but within VDOT right-of-way) to be approximately 18,400 square feet. In addition to these outdoor amenities, the developer has proffered to provide a 3,000-square foot clubhouse that would include a kitchen, exercise room, community room, office space for the condo association, and bathrooms; whether proffered or not, these indoor amenities would be required pursuant to Section 24.1-411(d)(4) of the Zoning Ordinance.
7. The ITE (Institute of Transportation Engineers) *Trip Generation* manual (7th edition), contains an average daily trip generation rate for single-family attached senior housing of 3.48 trips per unit, which, for a development of this size would mean an average of approximately 264 vehicle trips per day, roughly equivalent to the traffic generated by a 26-lot single-family subdivision or a 24,000-square foot office building. It should be noted, however, that the ITE’s daily trip generation rate is based on a single observation and should be used with caution. By comparison, the average daily trip generation rate for a standard (i.e., not age-restricted) condominium/townhouse development is 5.83 trips per unit; since the average daily person trips for people who are 65 or older is about 28% lower than the overall average (according to the 2001 National Household Transportation Survey), and since average household sizes are almost 30% lower for senior housing, staff believes 3.48 trips per unit per day appears is a reasonable estimate. Peak-hour traffic would be negligible with approximately six (6) vehicle trips each in both the AM and PM peak hours.

The applicant has submitted a traffic impact analysis for the project comparing the amount of traffic it would generate with an estimate of the traffic that would be generated by a hypothetical development – consisting of 34,000 square feet of general office space and 17,000 square feet of specialty retail space – that would be permitted as a matter of right under the current LB zoning. According to ITE trip generation rates, this hypothetical commercial development could be expected to generate approximately 1,127 trips per day – more than four times the traffic generated by the Villas at Yorktown. Although this approach is by necessity somewhat speculative since the exact mix of uses is unknown, staff believes that under almost any realistic development scenario, the Villas at Yorktown would have a lower traffic impact than if the property were developed in accordance with the current zoning. The low traffic generation of the project is an important consideration in light of the future traffic forecast for this segment of Route 17 (between Ft. Eustis Boulevard and Goosley Road), which is projected to experience severe peak-hour congestion by the year 2026.

The traffic impact analysis concludes that because of the low trip generation, the development would not warrant construction of left turn lanes on Falcon Road at either Route 17 or Cook Road. The traffic study assumes that *all* site-generated traffic will be to and from the south, that all exiting traffic will use Cook Road to access Route 17, and that all entering traffic will use Route 17 to access Falcon Road. Under this scenario, none of the residents would drive to Yorktown, Williamsburg (via the Colonial Parkway), or the Middle Peninsula, and there would be no additional left turns from Cook Road onto Falcon Road or from Falcon Road onto Route 17. Although these assumptions are not plausible in staff's opinion, the number of trips is so low that changing the estimated trip distribution would not alter the conclusions.

8. With frontage on three public roads, the proposed development – and any other development on the property – would be entitled to at least one entrance each on Route 17, Cook Road, and Falcon Road, and the Route 17 entrance would be *in addition to* the existing shared entrance that was created several years ago when the adjacent office building was built. However, the applicant proposes to create a single entrance to the development on Falcon Road, which has the lowest traffic volumes of the three roads. Across Falcon Road are York High School and the County's school bus garage, both of which have entrances on this road. The proposed Villas entrance would be located between the two school site entrances, approximately 250' east of the school driveway and 350' west of the bus garage entrance. As noted above, trip generation for the proposed development would be relatively low; perhaps more importantly, the *peak-hour* traffic would be extremely low, which helps to avoid conflicts with traffic, including school bus traffic, entering and exiting York High School, where classes begin at 7:20 AM and end at 1:47 PM. The applicant has met with representatives of the School Division and they are satisfied that the proposed Falcon Road entrance will not interfere with school operations. According to Richard Hixson, Deputy Superintendent for Operations, "The school bus traffic and the traffic of residents living in the proposed development should not present unmanageable traffic conditions." Staff concurs with this assessment based on the distance between the school entrances and the proposed Villas entrance and the difference in peak hours for the two traffic generators.

There have been fifteen (15) crashes – eight of them resulting in a total of 15 injuries – at the intersection of Falcon and Cook Roads in the last five years, according to VDOT crash data. Considering the relatively low traffic volumes on Falcon Road (550 vehicles per day according to VDOT), Almost all of these crashes occurred on weekdays during school hours during the school year, suggesting that the high number of younger drivers may contribute to the number of crashes. Staff has requested VDOT to perform a safety analysis of this intersection to determine if any improvements are needed.

9. Developers of age-restricted and age-targeted housing typically tout the low service impact of such housing, particularly with regard to schools. Because occupancy of the proposed units would be limited to households with at least one person age 62 or older (in contrast to the other two Villa projects), it is possible but unlikely that any school-age children would be living in the Villas at Yorktown. However, there would

likely be an indirect increase in school enrollment as older citizens (so-called “empty nesters”) in the County sell their homes to younger families that have school-age children. In an attempt to quantify this indirect school impact, staff selected a random sample of twenty (20) Rainbrook Villas residents who moved there from another home in York County and found that the homes they vacated now have a total of fifteen (15) students in York County schools. This is consistent with the typical student/household ratio for single-family detached homes in the County, which is 0.75 students per household. Based on this and the assumption that a quarter of these students moved from within the County and therefore are not “new” students, staff estimates that the proposed development would increase total school enrollment – indirectly – by approximately 16 students, based on the assumption that approximately 38% of the residents would be current County homeowners, which is the case for Rainbrook Villas and the Villas on Shady Banks. From the standpoint of school crowding, 16 students is not a significant impact since these students would likely be spread around the County and across the three grade levels; nevertheless, this impact must be taken into consideration.

In addition to the indirect school impact, there would be other public service costs associated with the proposed development. For example, the County operates a Senior Center (currently located in leased space in the Washington Square Shopping Center across Route 17 from Rainbrook Villas) and senior citizen programs at a cost of approximately \$226,000 in FY2005. There would be additional demands placed on other County services as well, particularly fire and rescue, as more and more commercially designated land gives way to senior housing.

10. A small portion of the property along Falcon Road lies within the Chesapeake Bay Resource Management Area (RMA). Accordingly, the developer will be required to submit a Natural Resources Inventory for the property prior to site plan approval. The property is bisected by a drainage ditch approximately 6’ to 8’ deep within a 60’ VDOT drainage easement running through the middle of the property generally parallel to Route 17 and Cook Road. The applicant has submitted a professionally prepared site-specific in-field stream perenniality analysis, which determined that this ditch does not meet the criteria for a perennial stream and thus is not within the Chesapeake Bay Resource Protection Area (RPA). The ditch will be piped and the easement will need to be vacated prior to final site plan approval. This is a major ditch that drains water from the subject property as well as York High School and adjacent roads. The downstream system is already undersized, causing flooding in the Edgehill area. The adopted Capital Improvements Program includes funding for a project to make improvements to the system, but since this will only address existing drainage, the development will need to have a stormwater pond to control additional flow. A stormwater retention pond is shown on the sketch plan in the northern corner near the Falcon Road/Cook Road intersection.
11. The applicant has submitted a fiscal impact analysis prepared by a consultant, Peter S. Eckert & Company, Inc., comparing the proposed development with a hypothetical commercial development (consisting of a mix of office and specialty retail uses that would be permitted as a matter of right under the current zoning) in terms of the

revenue they would generate. According to this analysis, the proposed Villas at Yorktown would generate approximately \$130,000 annually based on the amount of real estate taxes that would be collected. Over ten years, according to the applicant's consultant, the proposed Villas at Yorktown would yield more than \$1.2 million more than the hypothetical office/retail development and \$5.8 million over 50 years. The principal reason for this difference, according to the fiscal impact analysis, is that the Villas would have a much faster rate of absorption than would the hypothetical office/retail development. Staff considers this a realistic assumption in view of the existing zoning, the limited regional office market, and the low population density in this area of the County. The consultant does not appear to have accounted for the reduction in the real estate tax rate from \$0.86 to \$0.8175 per hundred dollars of assessed value that went into effect on January 1, 2004. Although the new tax rate would reduce the annual revenue projection, it is likely that the consultant's assumed home price of \$200,000 is too conservative; the average sale price for new units in the Villas at Shady Banks is almost \$225,000. The increase in the assumed home price would more than offset the decrease in the tax rate.

It should be noted that the revenue projections in the fiscal impact analysis reflect gross revenues only; the unstated assumption is that public service costs generated by the Villas and the hypothetical retail/office development would be equal. Most significantly, these figures do not take into account the fiscal impact of the indirect increase in school enrollment discussed earlier. At \$3,415 per pupil (the local per pupil school cost for operations and debt service in FY2006), the estimated 16 new students would generate school costs of approximately \$54,640 per year, reducing the annual projected increase in revenue from \$124,300 to \$69,960. Though substantially lower than the developer's analysis indicates, the fiscal impact of the proposed Villas at Yorktown would be positive and higher than commercial development – under almost any realistic development scenario – in this location.

12. The Zoning Ordinance establishes 62 as the minimum resident age threshold for age-restricted senior housing. According to the U.S. Census, there were 6,484 York County residents who were at least 62 years old in 2000. This age group, which constitutes 11.5% of the population, will grow significantly in the years ahead as the “baby boom” generation, the youngest members of which will turn 62 in 2008, reaches the senior years. The Housing element of the *Comprehensive Plan* recognizes the growing need for senior housing to enable York County's senior citizens to remain in the County, and the proposed Villas at Yorktown would help to meet this need. However, it should be noted that most of the residents in Rainbrook Villas and those who have purchased homes in the Villas on Shady Banks moved into those communities from *outside* the County. For the two developments combined, approximately 38% of the residents lived in York County prior to buying. The percentage of previous York County residents is 40% for Rainbrook Villas and 33% for the Villas on Shady Banks. Rather than meeting a need for existing County seniors, the Villa projects are primarily attracting additional seniors from outside the County.

RECOMMENDATION

This property has been the subject of much discussion in recent years, dating back at least to the 1994-95 rewrite of the Zoning Ordinance and Map. The owner of the subject property (Mr. Joseph R. Ambrose, who owned almost the entire 15.3 acres at the time and still retains ownership of a 9.6-acre parcel) attended several of the public hearings and spoke to the Commission and the Board of Supervisors in opposition to both the proposed LB zoning for his property and the TCM overlay district designation. Staff's response at that time was that the need to protect this corridor from intensive commercial uses – because of both the need to preserve major gateways into Yorktown and the proximity of residential development – warranted the Limited Business zoning. The Commission and Board accepted the staff's recommendation that this property be zoned for Limited Business. Accordingly, in 1998 when Mr. Ambrose submitted an application to rezone most of the subject property from LB to conditional GB (General Business), staff and the Commission recommended denial of the application, and it was subsequently withdrawn by the applicant.

The current application differs from the 1998 rezoning request in several important ways. Most significantly, the proposed senior housing development would be less intensive than existing development along Route 17 south of Cook Road. Furthermore, the applicant has submitted a specific development plan, renderings, and proffers that will help to ensure a visually appealing development and preserve the aesthetic quality of this section of Route 17. Staff believes the proposed development would likely be more attractive than a commercial development permitted as a matter of right. If the property were developed in accordance with the current LB zoning, there would be no fifty-foot (50') landscape buffers along Route 17 and Cook Road. Rather, required landscaping along these two important gateways would be limited to a twenty-foot (20') front landscape yard along Route 17 and a Type 25 (25') landscaped transitional buffer along Cook Road. There would also be no multi-use path along Route 17. Furthermore, although a restricted access easement has been recorded across almost the entire Route 17 frontage of the property in accordance with the requirements of the Zoning Ordinance, there remains one potential future access point. Therefore, approval of this application would prevent the creation of an additional entrance on Route 17. This is important since access points on arterial highways such as Route 17 contribute to traffic congestion. This segment of Route 17 is projected to experience severe peak-hour congestion and there are no plans for widening and very little room for optimism that funds for widening will be available in the foreseeable future.

Conformance with the *Comprehensive Plan* – both the Land Use Map and the supporting text – is the principal criterion by which rezoning and Special Use Permit applications are evaluated, and it is unusual for staff to recommend approval of a request to permit a residential use on commercially designated property (or vice versa). It is not, however, unprecedented, as there are sometimes cases where either the circumstances have changed since the plan was adopted or there is a compelling reason that overrides the need for the zoning to match the *Comprehensive Plan* designation. Staff believes that the need to preserve the aesthetic appeal of Route 17 and Cook Road and the low traffic

impact constitute compelling reason to contravene the *Comprehensive Plan's* land use designation in this case. It should also be noted that the Zoning Ordinance permits independent living facilities with internal entrances in the LB district with a Special Use Permit – and at a much higher density than proposed under this application – suggesting that there is no inherent incompatibility between senior housing and Limited Business development. Furthermore, although the proposed development is not consistent with this area's Limited Business designation, it is consistent with the plan's expressed intent of preventing the established, fairly intensive commercial development character along Route 17 from extending north of Cook Road.

Based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC05-18. It should be noted that the two proposed conditions that deviate from the senior housing performance standards are contingent on the Board's adoption of the proposed Zoning Ordinance text amendment to allow greater design flexibility in cases such as this one. Since the Commission does not currently have the authority to recommend such deviations, staff has included for the Commission's consideration a clause in the proposed Resolution expressing its endorsement of them in the event that the pertinent text amendment is adopted.

This application is the third request since 2003 to permit residential development in the form of senior housing on commercially zoned land. Since June 2003 when the Zoning Ordinance was amended to provide for senior housing, the Board of Supervisors has approved a total of 218 senior housing units with a total projected occupancy of 277 residents. Approval of this application would add another 76 units – and approximately 114 residents – to this total. The incremental impact of this or any single senior housing project on the maximum build-out population, County services, and the balance between residential and commercial development may be relatively low; however, the cumulative impact of these and potential future projects will need to be carefully monitored in the evaluation of future requests for senior housing on commercial property.

TCC

Attachments

- Zoning Map
- Survey Plat
- Concept Plan
- Proffer Statement
- Community Impact Statement
- Development rendering – Falcon Road view
- Development rendering – Route 17 view
- Proposed Resolution No. PC05-18